

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:10CR97

CRIMINAL NO. 1:10CR98

(Judge Keeley)

SHAMEKE WALKER,

Defendant.

**ORDER ADOPTING OPINION/REPORT AND RECOMMENDATION
AND SCHEDULING SENTENCING HEARING**

On February 2, 2011, defendant, Shameke Walker, appeared before United States Magistrate Judge John S. Kaull and moved the Court for permission to enter a plea of GUILTY to Count One of the Indictment in 1:10CR97 and Count One in the Indictment in 1:10CR98. The defendant stated that he understood that the magistrate judge is not a United States district judge and voluntarily waived his right to have an Article III judge hear and accept his plea and voluntarily consented to the Magistrate Judge hearing and accepting his plea.

On February 4, 2011, Magistrate Judge Kaull entered an Opinion/Report and Recommendation Concerning Pleas of Guilty ("R&R") finding a factual basis for the plea and accepting the defendant's plea of guilty to Count One of the Indictment in 1:10CR97 and Count One of the Indictment in 1:10CR98. In his R&R, the magistrate judge directed the parties to file any objections to

ORDER ADOPTING OPINION/REPORT AND RECOMMENDATION
AND SCHEDULING SENTENCING HEARING

the R&R within fourteen (14) days. The parties did not file any objections.

Based upon the defendant's statements during the plea hearing and the testimony of Special Agent Randall Kocsis, the magistrate judge found that the defendant was competent to enter a plea, that the plea was freely and voluntarily given, that the defendant was aware of the nature of the charges against him and the consequences of his plea, and that a factual basis existed for the tendered plea.

This Court, therefore, **ADOPTS** the R&R, **ADJUDGES** the defendant **GUILTY** of the crimes charged in Count One of the Indictment in 1:10CR97 and Count One of the Indictment in 1:10CR98 and, pursuant to Fed. R. Crim. P. 11(c)(3)(A) and U.S.S.G. § 6B1.1(c), **DEFERS** acceptance of the proposed binding plea agreement until the Court has received and reviewed the modified presentence report in this matter.

The Court will conduct the sentencing hearing for the defendant on **Monday, June 6, 2011 at 1:00 P.M.** at the **Clarksburg, West Virginia** point of holding court.

ORDER ADOPTING OPINION/REPORT AND RECOMMENDATION
AND SCHEDULING SENTENCING HEARING

Magistrate Judge Kaull remanded the defendant to the custody of the United States Marshals.

It is so **ORDERED**.

The Court directs the Clerk of Court to transmit copies of this Order to counsel of record and all appropriate agencies.

DATED: February 25, 2011

/s/ Irene M. Keeley

IRENE M. KEELEY

UNITED STATES DISTRICT JUDGE